



US Army Corps  
of Engineers  
Buffalo District

# U.S. Army Corps of Engineers

## Authorities, Process, Environmental Issues

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# Regulatory Program

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- Section 10 of the Rivers and Harbors Act
  - Navigation and Structures in Navigable Waters
  - Docks, Dredging
- Section 404 of the Clean Water Act
  - Discharges of Dredged or Fill Material into Waters of the United States
  - Armored Revetments, Groins, Disposal of Dredged Material, Wetland Fills





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# Other Programs

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- Section 401 Water Quality Certification (State Resource Agency)
- Coastal Zone Management Program (State Resource Agency)
- Endangered Species Act (U.S. Fish and Wildlife Service)
- Section 106 of the Historic Preservation Act (State Historic Preservation Office)



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# Permit Requirements

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- 404 (b)(1) Guidelines
  - Project Purpose – Water Dependency
  - Alternatives Analysis
    - On-Site vs. Off-site
  - Least Environmentally Damaging Practicable Alternative
  - Avoid Impacts
  - Minimize Impacts
  - Mitigate Unavoidable Impacts



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# Public Interest Review Factors

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- Balancing process
  - Wetland values
  - Navigation
  - Conservation of natural resources
  - Wildlife values
  - Recreation
  - Flood hazards
  - Economics
  - Consideration of property ownership



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# Scope of Analysis

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- In General, Limited to Jurisdictional Work
  - Wetland fills
  - Structures in Waters
  - Primary and Secondary Impacts
  - 33 CFR Part 325 Appendix B
- Special Cases
  - Endangered Species Act
  - Historic Preservation Act (33 CFR Part 325 Appendix C)



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# Types of Permits

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- Nationwide Permits
  - Minor Impacts – Project Specific (see web site: [www.lrb.usace.army.mil/regulatory/](http://www.lrb.usace.army.mil/regulatory/) )
- Individual Permits
  - 30 Day Public/Agency Comment Period
  - Larger Proposed Impacts
  - More Involved, Longer Review



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# Nationwide Permits (NWP)

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- A type of general permit used to authorize specific types of activities
- Minimal impact to aquatic environment
- Expedited permit review process
- Valid for 5 years
- 43 different NWPs
- 27 general conditions
- Regional conditions developed by District/state agencies
- Mitigation may be required





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# Standard Permits

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- Full public interest review
- Public notice
- Determination of compliance with USEPA Section 404(b)(1) Guidelines
- Preparation of Environmental assessment (EA) and statement of findings (SOF)
- Results in permit issuance or denial
- Valid for 3-5 years. May obtain extension



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# Standard Permits

## Public Participation

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- Public Notices Posted on Corps' Website:  
<http://www.lrb.usace.army.mil/regulatory/>
- Comments Best in Writing (letter or e-mail)
- Not a Vote
- May Request e-mail Notification when  
Notices are Published by Writing:

U.S. Army Corps of Engineers  
Regulatory Branch  
1776 Niagara Street  
Buffalo, NY 14207



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# Environmental Impact Statement

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- “Precedent-Setting” Project
- Notice of Intent
- Scoping
- Draft EIS
- Comment
- Final EIS
- Record of Decision
- [www.nae.usace.army.mil/projects/ma/ccwf/windfarm.htm](http://www.nae.usace.army.mil/projects/ma/ccwf/windfarm.htm)



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# Potential Off-Shore Concerns/Issues

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- Ice
- Migratory Birds
- Acoustic/Disruption
- Aesthetics
- Public Perception/Opinion
- Others????

A scenic landscape photograph of a wind farm. In the foreground, a large white wind turbine is partially visible on the left. The middle ground shows a rolling green field with several smaller wind turbines scattered across it. In the background, there are more turbines and a line of trees under a blue sky with white clouds. The text is overlaid on the image.

# Flat Rock Wind Power Maple Ridge Wind Farm

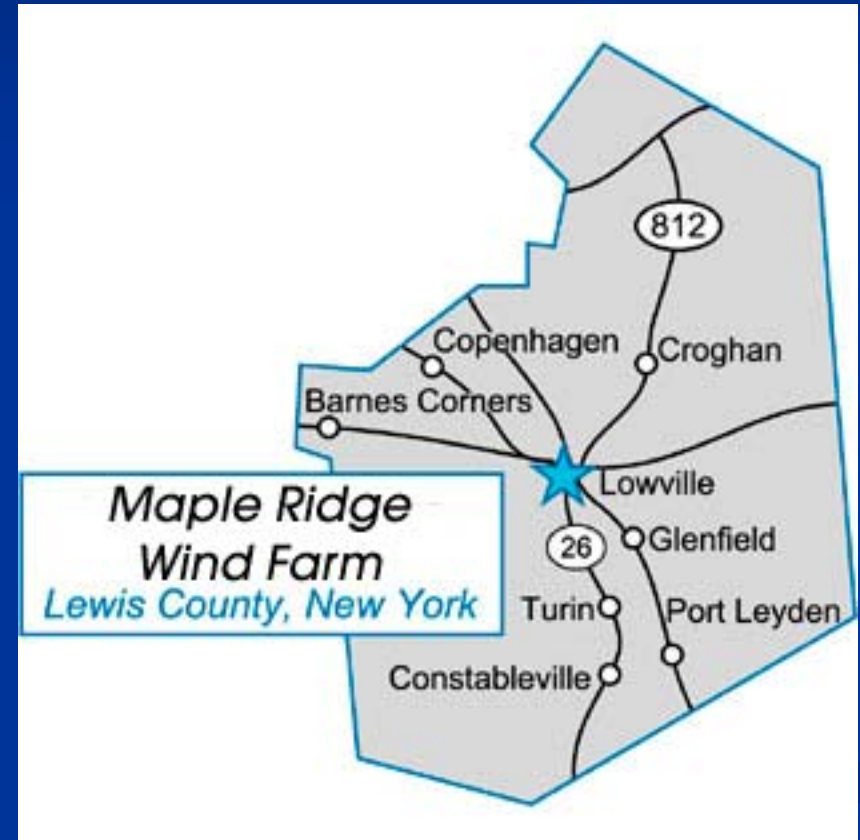
Lewis County, New York





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# Maple Ridge Wind Farm





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# Maple Ridge Wind Farm

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- 195 wind turbines, largest in eastern US
- Project area: 21,000 acres leased private land
- Planned as 300-megawatt facility
- 1.65MW Vestas Turbines
- 260 ft. Tower – 390 ft. top blade height
- Each turbine can generate enough electricity to power about 500 homes
- Once complete, will serve ~1% of NYS's energy



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# Maple Ridge Wind Farm

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- DA permit issued in October 2004
- Authorized 1.84 acres of permanent impacts and 2.88 acres of temporary impacts to wetlands and streams
- Wetland mitigation for permanent and temporary impacts
- Minor modifications have occurred since, resulting in less impacts





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# Maple Ridge Wind Farm

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## ■ Project Issues:

- Consultation with USFWS for potential impacts to the Indiana bat, Federally-listed endangered species
  - Result of recent findings at Backbone Mountain Wind Farm in West Virginia
- Consultation with the State Historic Preservation Office (SHPO) for impacts to Historic Properties
  - Resulted in MOA between SHPO, applicant, USACE



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# Indiana bat, Federally-listed Endangered Species

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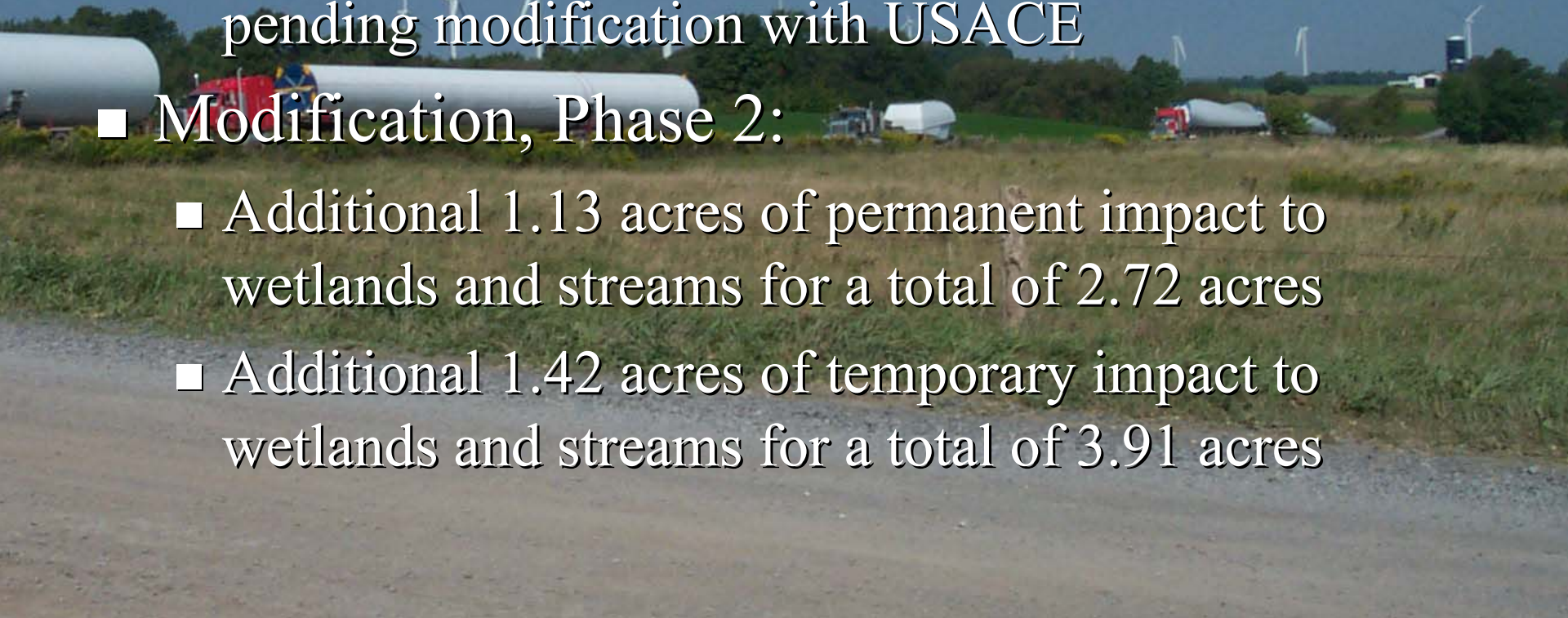
# Maple Ridge Wind Farm

- Current Status:

- Phase 1: 120 turbines constructed in 2005
- Phase 2: 75 turbines to be constructed in 2006, pending modification with USACE

- Modification, Phase 2:

- Additional 1.13 acres of permanent impact to wetlands and streams for a total of 2.72 acres
- Additional 1.42 acres of temporary impact to wetlands and streams for a total of 3.91 acres







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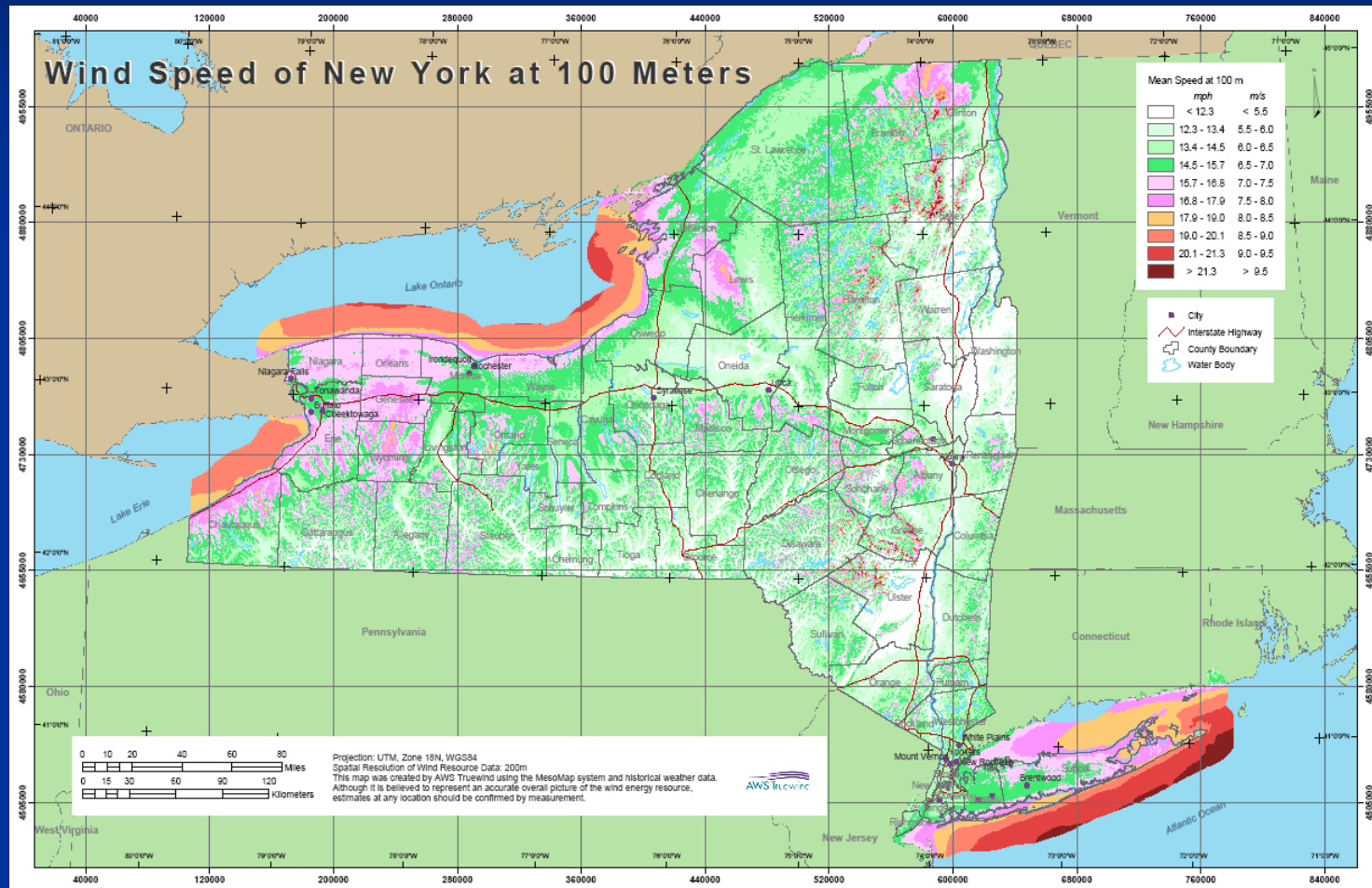
# Construction





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# NYS Wind Speed

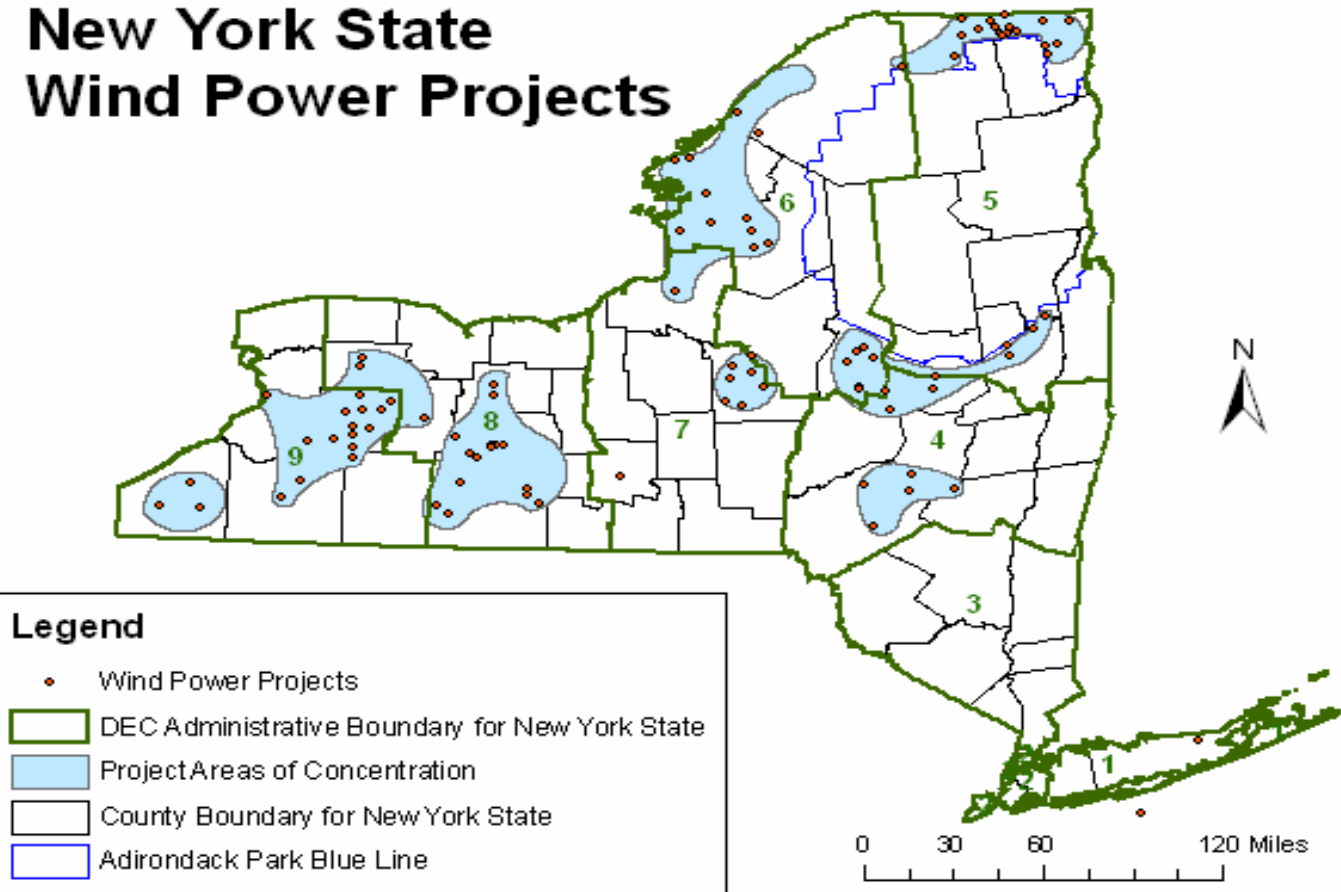




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# Wind Sites under Consideration

## New York State Wind Power Projects







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# Points of Contact

## USACE

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### Buffalo District:

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